

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JANICE FOSTER

PLAINTIFF

VS.

CAUSE NO.: 1:06CV266-SA

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

DEFENDANT

**ORDER GRANTING MOTION TO REINSTATE EXTRA-CONTRACTUAL AND
PUNITIVE DAMAGES**

This cause comes on Plaintiff Janice Foster's Motion to Reinstate Extra-Contractual and Punitive Damages. The Court finds that the Motion should be **GRANTED**. Specifically, the Court finds as follows:

On February 8, 2008, the Court entered an agreed order granting Joint Motion to Dismiss Extra-Contractual and Punitive Damages on the basis that the parties had reached an agreement at mediation to dismiss the claims. Subsequently on May 20, 2008, Plaintiff filed a Motion to Reinstate Extra-Contractual and Punitive Damages on the basis that Defendant State Farm Mutual Automobile Company breached its agreement in mediation. Defendant asserts it did not breach the agreement. Given that it appears the parties have not, in fact, agreed to the dismissal, the Court vacates its February 8, 2008, Order Granting Joint Motion to Dismiss [36] and reinstates Plaintiff's claim for extra-contractual and punitive damages.

IT IS SO ORDERED, this the 16th day of June, 2008.

**/s/ Sharion Aycock
U.S. DISTRICT COURT JUDGE**